

2 AN ORDINANCE amending the Thoroughfare
3 Plan of the City Comprehensive ("Master")
4 Plan by vacating dedicated right-of-way thererof.

5 WHEREAS, a petition to vacate dedicated right-of-way
6 within the City of Fort Wayne (as more specifically
7 described below) was duly filed with the City Planning
8 Commission; and

9 WHEREAS, said Commission duly held a public hearing
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its
12 recommendation to this body approving said petition, all in
13 accordance with I.C. 36-7-4-512(2) and this body having held
14 a public hearing on said vacation as provided in I.C. 36-7-
15 4-12; and

16 WHEREAS, this body concurs in the recommendation of the
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate
21 dedicated right-of-way within the City of Fort Wayne, more
22 specifically described as follows, to-wit:

23 A 55 foot street, known as Ohio Street, in the
24 Plat of ELIZA HANNA SR'S ADDITION to the City of
25 Fort Wayne as recorded in Deed Record 60, page
26 263, extending from the South line of Hayden
27 Street (50 feet wide) 183.0 feet on the East line
28 thereof and 183.8 feet on the West line thereof to
29 the North right-of-way line of the Wabash Railroad
30 Company, Norfolk and Western Railway Company being
31 the lessee of Wabash Railroad Company;

32 ALSO the South 12 feet of Lots 214, 215, 216, 217 and
33 218 ELIZA HANNA SR'S ADDITION as recorded in Deed
34 Record 60, page 263, being a tract 12' x 250',
35 heretofore a portion of a 12 foot alley opened by
36 Declaratory Resolution #15-1895 Board of Public Works
37 and recorded in Plat Book 2, page 38, and as situated
38 adjacent to and immediately North of the North right-
39 of-way line of the Wabash Railroad Company, Norfolk and
40 Western Railway Company being the lessee of Wabash

#404

Railroad Company;

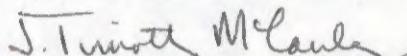
1 ALSO the South 12 feet of Lots 219 and 220 ELIZA HANNA
2 SR'S ADDITION as recorded in Deed Record 60, page 263,
3 being a tract 12' x 250', heretofore a portion of a 12
4 foot alley opened by Declaratory Resolution #15-1895
5 Board of Public Works and recorded in Plat Book 2, page
6 38, and as situated adjacent to and immediately North
7 of the North right-of-way line of the Wabash Railroad
8 Company, Norfolk and Western Railway Company being the
9 lessee of Wabash Railroad Company.

10 and which vacating amends the Thoroughfare Plan of the City
11 Comprehensive ("Master") Plan and is hereby approved in all
12 respects.

13 SECTION 2. That this Ordinance shall be in full force
14 and effect from and after its passage, any and all necessary
15 approval by the Mayor.

16 
17 COUNCILMEMBER

18 APPROVED AS TO FORM AND LEGALITY:

19 
20 J. TIMOTHY McCAULAY, CITY ATTORNEY

21 ** Public hearing to be held on _____,
22 the _____ day of _____, 1989,
23 in the Council Chambers.

24 Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock M., E.S.T.

DATED: 5-12-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED:

Sandra E. Kennedy, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19_____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____.
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No. 7245

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND. August 16 1989

RECEIVED FROM Dallman & Hapkin et al \$ 100.00
THE SUM OF One Hundred and no /100's 100 DOLLARS
ON ACCOUNT OF VACATION PETITION - 6th St

PAID BY: CASH CHECK M.O.

AUTHORIZED SIGNATURE

W. S. D'Brien

PETITION TO VACATE PORTION
OF STREET AND ALLEY

To: The City Plan Commission
City of Fort Wayne, Indiana

The undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portions of the public streets and alleys within the City of Fort Wayne, Indiana and hereby described as follows:

A 55 foot street, known as Ohio Street, in the Plat of ELIZA HANNA SR'S ADDITION to the City of Fort Wayne as recorded in Deed Record 60, page 263, extending from the South line of Hayden Street (50 feet wide) 183.0 feet on the East line thereof and 183.8 feet on the West line thereof to the North right-of-way line of the Wabash Railroad Company, Norfolk and Western Railway Company being the lessee of Wabash Railroad Company;

ALSO the South 12 feet of Lots 214, 215, 216, 217 and 218 ELIZA HANNA SR'S ADDITION as recorded in Deed Record 60, page 263, being a tract 12' x 250', heretofore a portion of a 12 foot alley opened by Declaratory Resolution #15-1895 Board of Public Works and recorded in Plat Book 2, page 38, and as situated adjacent to and immediately North of the North right-of-way line of the Wabash Railroad Company, Norfolk and Western Railway Company being the lessee of Wabash Railroad Company;

ALSO the South 12 feet of Lots 219 and 220 ELIZA HANNA SR'S ADDITION as recorded in Deed Record 60, page 263, being a tract 12' x 250', heretofore a portion of a 12 foot alley opened by Declaratory Resolution #15-1895 Board of Public Works and recorded in Plat Book 2, page 38, and as situated adjacent to and immediately North of the North right-of-way line of the Wabash Railroad Company, Norfolk and Western Railway Company being the lessee of Wabash Railroad Company.

In support thereof, your petitioner would represent as follows:

1. That all adjacent property owners have signed this petition and are the only owners of the real estate bordering both sides of the street and alley in question.
2. That the street and alley are not necessary as ingress or egress to other properties whatsoever, and residents and businesses in the area will have ample access to their properties without the use of said street and alley.
3. That no other person, firm or corporation is interested in or affected by the requested vacation.
4. That the maintenance of said street and alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that vacation of said street and alley would be in the best interests of the City and the citizens thereof.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above-described street and alley be vacated according to the provisions of the Indiana law pertaining thereto.

Dated this 15th day of August, 1989.

WABASH RAILROAD COMPANY

FLASHFOLD PACKAGING GROUP, INC.

E.E.Kelle

By E. E. Kelle, Real Estate Manager
185 Spring Street
Atlanta, GA 30303
ADJACENT PROPERTY OWNER

Marvin Adler
By Marvin Adler, President
1140 Hayden Street
Fort Wayne, Indiana 46803
PETITIONER

NORFOLK AND WESTERN RAILWAY
COMPANY, as lessee of Wabash
Railroad Company

GALLUCCI, HOPKINS & THEISEN,
P.C.

E.E.Kelle
By E. E. Kelle, Real Estate Manager
185 Spring Street
Atlanta, GA 30303
ADJACENT PROPERTY OWNER

James D. Streit
By James D. Streit, Esq.
7th Floor, Paine Webber Bldg.
803 South Calhoun Street
P.O. Box 12663
Fort Wayne, Indiana 46864-2663
Telephone: (219) 424-3800
ATTORNEYS FOR PETITIONER

LAW OFFICES
GALLUCCI, HOPKINS & THEISEN

FRANK L. GALLUCCI
MEMBER INDIANA, MICHIGAN AND
DISTRICT OF COLUMBIA BARS

WILLIAM T. HOPKINS, JR.
MEMBER INDIANA BAR

JOHN C. THEISEN
MEMBER INDIANA AND
MISSOURI BARS

JOHN T. MENZIE
MEMBER INDIANA AND
ILLINOIS BARS

JAMES D. STREIT
MEMBER INDIANA AND
CALIFORNIA BARS

PROFESSIONAL CORPORATION

7TH FLOOR, PAINE WEBBER BUILDING

803 SOUTH CALHOUN STREET

P.O. BOX 12663

FORT WAYNE, INDIANA 46864-2663

TELEPHONE 219 / 424-3800

FAX 219 / 420-1260

August 27, 1990

M. SCOTT HALL
MEMBER INDIANA AND
CONNECTICUT BARS

GARY L. CALHOUN
MEMBER INDIANA BAR

JULIE M. SLAVENS
MEMBER INDIANA BAR

STUART K. WELIEVER
MEMBER INDIANA BAR

LOREN K. ALLISON
MEMBER INDIANA BAR

MICHAEL A. SCHEER
MEMBER INDIANA AND
MICHIGAN BARS

JOHN A. GRIFFIN
MEMBER INDIANA BAR

HAND DELIVERY

City of Fort Wayne
Office of Community and Economic
Development
Eighth Floor, City County Bldg.
Fort Wayne, Indiana 46802

Attention: Mr. Wayne O'Brien

Re: Flashfold Packaging Group, Inc.
Vacation G-89-09-05

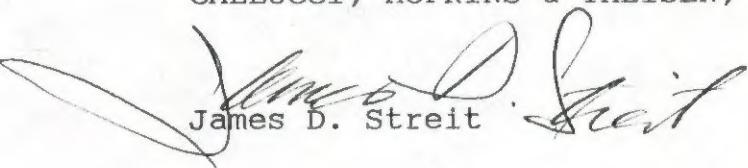
Dear Wayne:

This will confirm our previous telephone conversation in which I indicated that Flashfold had determined to withdraw its previously filed petition to vacate portions of Ohio Street and an adjoining alley. As I indicated on the telephone, the company has undergone a change in ownership since the filing of the initial petition, and the new owners do not wish to proceed with the matter at this time.

If you have any questions, please do not hesitate to contact me at your convenience. Thank you for your courtesy and cooperation in this matter.

Very truly yours,

GALLUCCI, HOPKINS & THEISEN, P.C.


James D. Streit

JDS/ag

cc: Mr. Clyde Potts

LA222/3

FACT SHEET

G-89-09-05

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON																											
Street & Alley Vacation																													
DETAILS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Specific Location and/or Address Ohio Street south of Hayden Street, and a 12 foot strip at the east ends of Lots 214 thru 218, 220 and 119 of Eliza Hanna Sr's Addition</td> <td style="padding: 5px;">POSITIONS</td> <td style="padding: 5px;">RECOMMENDATIONS</td> </tr> <tr> <td style="padding: 5px;">Reason for Project Future building expansion.</td> <td style="padding: 5px;">Sponsor</td> <td style="padding: 5px;">City Plan Commission</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Area Affected</td> <td style="padding: 5px;">City Wide</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> <td style="padding: 5px;">Other Areas</td> </tr> <tr> <td style="padding: 5px;">Discussion (Including relationship to other Council actions) <u>18 September 1990 - Public Hearing</u> Gary Calhoun, attorney for the petitioners, Flashfold Packaging Group, Inc., appeared before the Commission. Mr. Calhoun stated that the petitioners own all of the adjacent property to this portion of Ohio Street and the alleys that they are requesting vacated. He stated that the purpose for the vacations is for future expansion of this company. There was no one else present who wished to speak in favor of or in opposition to the proposed vacations.</td> <td style="padding: 5px;">Applicants/ Proponents</td> <td style="padding: 5px;">Applicant(s) Flashfold Packaging Group Inc City Department Other</td> </tr> <tr> <td style="padding: 5px;"><u>25 September 1989 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing the following: 1. Provide utility easements or relocation as necessary. 2. Provide a dedicated turn-around easement to meet the requirements of Street Engineering.</td> <td style="padding: 5px;">Opponents</td> <td style="padding: 5px;">Groups or Individuals Basis of Opposition</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Staff Recommendation</td> <td style="padding: 5px;"><input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Board or Commission Recommendation</td> <td style="padding: 5px;">By <input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition)</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">CITY COUNCIL ACTIONS (For Council use only)</td> <td style="padding: 5px;"><input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</td> </tr> </table>			Specific Location and/or Address Ohio Street south of Hayden Street, and a 12 foot strip at the east ends of Lots 214 thru 218, 220 and 119 of Eliza Hanna Sr's Addition	POSITIONS	RECOMMENDATIONS	Reason for Project Future building expansion.	Sponsor	City Plan Commission		Area Affected	City Wide			Other Areas	Discussion (Including relationship to other Council actions) <u>18 September 1990 - Public Hearing</u> Gary Calhoun, attorney for the petitioners, Flashfold Packaging Group, Inc., appeared before the Commission. Mr. Calhoun stated that the petitioners own all of the adjacent property to this portion of Ohio Street and the alleys that they are requesting vacated. He stated that the purpose for the vacations is for future expansion of this company. There was no one else present who wished to speak in favor of or in opposition to the proposed vacations.	Applicants/ Proponents	Applicant(s) Flashfold Packaging Group Inc City Department Other	<u>25 September 1989 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing the following: 1. Provide utility easements or relocation as necessary. 2. Provide a dedicated turn-around easement to meet the requirements of Street Engineering.	Opponents	Groups or Individuals Basis of Opposition		Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against		Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition)		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
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DETAILS

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

27 August 1990 - Business Meeting

When conditions are applied to a request petitioners are given six (6) months in which to comply. The petitioner had not complied within the six month period. When contacted their attorney informed the City that the company had undergone a change of ownership since the filing of the initial petition, and the new owners did not wish to proceed with the request.

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by the petitioners.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 16 August 1989

Projected Completion or Occupancy

Date 28 August 1990

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Harry Maggio

Date 28 August 1990

Date 8/30/90

Reference or Case Number

X-404

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Street and Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Portion of Ohio Street and the East-West
alley immediately south of and adjacent to Lots 214 through 220 in Eliza Hanna Sr's
Addition.

O-89-09-05

EFFECT OF PASSAGE Property is dedicated right of way. Property will be
vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right of way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. G-89-09-05

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
dedicated right-of-way thereof

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) _____

DO PASS DO NOT PASS ABSTAIN NO REC

DO NOT PASS

With

ABSTAIN

w

NO REC

DATED: 9-11-90

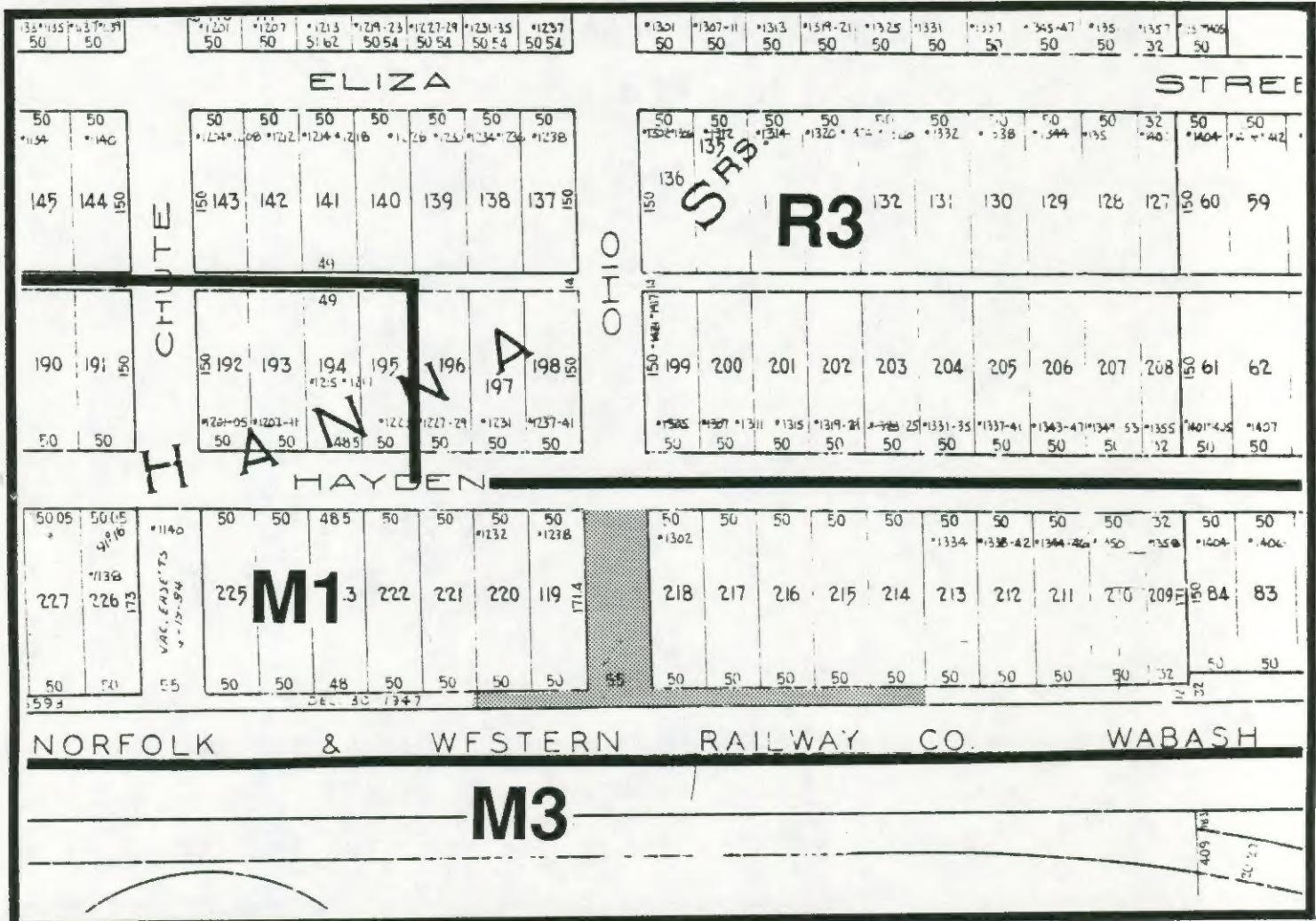
Sandra E. Kennedy
City Clerk

VACATION PETITION # 404

A PETITION TO VACATE THE DESCRIBED PORTIONS OF PUBLIC STREETS AND ALLEYS.

MAP NO. O-2

COUNCILMANIC DISTRICT NO. 1



ZONING:

M1 LIGHT INDUSTRY

M3 HEAVY INDUSTRY

R3 RESIDENTIAL DISTRICT

LAND USE:

- SINGLE FAMILY
- COMMERCIAL
- CHURCH

SCALE: 1"=175'

DATE: 8-25-89